IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

WP(C).No. 19099 of 2003(W)

PETITIONER:

BINU PAUL, S/O. PAUL, AGED 29 YEARS,
ARAKKATHAZHATHU HOUSE, UDAYAMPEROOR P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA

RESPONDENTS:

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1. THE SECRETARY TO GOVERNMENT, HEALTH DEPARTMENT, TRIVANDRUM.

2. THE DRUG CONSTROLLER, TRIVANDRUM.

3. THE ASST.DRUG CONTROLLER, ERNAKULAM DISTRICT.

4. THE DISTRICT COLLECTOR, ERNAKULAM.

5. THE DIRECTOR, LOURD HOSPITAL, ERNAKULAM.

6. THE DIRECTOR, LISSIE HOSPITAL, ERNAKULAM.

BY ADV. SRI.BECHU KURIAN THOMAS
SRI.PAUL JACOB (P)
GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the prescription dated 29-11-2002 issued by Dr.Haridas from Amritha Institute of Medical Sciences and Research Centre.

Ext.P2: True copy of the Form of licence issued to a pharmacy by the licencing authority under the Drugs and Cosmetics Rules.

Ext.P3: True copy of the representation dated 7-5-2003 submitted by the petitioner before the 4th respondent.

Ext.P4: True copy of the representation submitted by the petitioner before the 2nd respondent dated 7-5-2003.

Ext.P5: True copy of the representation submitted by the petitioner before the 3rd respondent dated 6-5-2003.

// True copy //

P.A. to Judge

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C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.19099 OF 2003

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Dated this the 18th day of January 2007

JUDGMENT

Writ petition is filed for a direction to respondents 5 and 6 to sell medicine to petitioner from their pharmacy. Respondents 5 and 6 are hospitals maintaining pharmacy for their purpose. Counsel for these hospitals submitted that the hospitals do not have licence to sell medicine as dealers. They are also liable to pay sales tax which is required for drug dealers. I do not think petitioner is entitled to get this relief because pharmacy maintained by a hospital is not bound to sell medicine to patients who are taking treatment from outside the hospital. Petitioner has to purchase medicine from other licensed drug dealers.

In the circumstances, writ petition fails and it is dismissed.

C.N.RAMACHANDRAN NAIR, JUDGE

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